

FISCAL NOTE

Bill #: SB0376

Title: Require environmental impact statement on certain reach of Gallatin River

Primary Sponsor: Wheat, M

Status: As Introduced

Sponsor signature	Date	David Ewer, Budget Director	Date
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Fiscal Summary

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
Expenditures:		
General Fund	\$250,000	\$0
Revenue:		
General Fund	\$0	\$0
Net Impact on General Fund Balance:	(\$250,000)	\$0

<input type="checkbox"/> Significant Local Gov. Impact	<input checked="" type="checkbox"/> Technical Concerns
<input type="checkbox"/> Included in the Executive Budget	<input type="checkbox"/> Significant Long-Term Impacts
<input type="checkbox"/> Dedicated Revenue Form Attached	<input checked="" type="checkbox"/> Needs to be included in HB 2

Fiscal Analysis

ASSUMPTIONS:

Department of Environmental Quality

1. No funding source for this bill has been identified. The assumption funding will be from the general fund.
2. The Natural Resources and Commerce Appropriation Subcommittee proposed and approved Decision Package NP 1012 that appropriates \$250,000 from the Resource Indemnity Trust in FY 2006 as a one-time-only appropriation and restricts the use for the Gallatin River Environmental Impact Statement. If this remains in HB 2, no general fund appropriation would be needed.

FISCAL IMPACT:

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
<u>Expenditures:</u>		
Operating Expenses	\$250,000	\$0
<u>Funding of Expenditures:</u>		
General Fund (01)	\$250,000	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	(\$250,000)	\$0

Fiscal Note Request SB0376, As Introduced

(continued)

TECHNICAL NOTES:

1. SB 376 requires preparation of an environmental impact statement (EIS) on the Gallatin River between Yellowstone National Park and the Gallatin River's intersection with Spanish Creek within 1 year. Section 1 provides that the purpose for requiring the EIS is the protection of water within Yellowstone National Park. The Gallatin River flows from the Park toward Spanish Creek, and activities on the stretch of the Gallatin that the EIS would study would have no effect on waters within Yellowstone National Park.
2. Under the Montana Environmental Policy Act, (MEPA) an EIS is to be prepared on a proposed action, not a resource. The proposed action that triggers this EIS is the proposed designation of this stretch of the Gallatin River as an outstanding resource water classification. Section 2 of SB 376 directs preparation of an EIS on "the reach of the Gallatin River between the Yellowstone national park boundary and the Gallatin River's intersection with Spanish Creek," not on the proposed designation of the river as an outstanding resource water.
3. The new language in section 3(8) does not appear to make any substantive change in the existing law.
4. Section 5 is a savings clause that states that SB 376 does not affect proceedings that were begun before the effective date of the bill. The petition process for the Gallatin River was begun before the effective date of SB 376.
5. Section 6 provides that SB 376 applies to applications received after the effective date of the bill. However, SB 376 does not affect permit applications, whether received before or after the effective date of the bill.